

# Calendar No. 1128

91ST CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-1112

## MRS. LEONARDA BUENAVENTURA OCARIZA AND DAUGHTER, LUCILA B. OCARIZA

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AUGUST 12 (legislative day, AUGUST 11), 1970.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany S. 3032]

The Committee on the Judiciary, to which was referred the bill (S. 3032) for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

#### AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Mrs. Leonarda Buenavendura Ocariza and her daughter, Lucile B. Ocariza shall be held and considered to be within the purview of section 203 (a) (2) of that Act and the provisions of section 204 of the said Act shall not be applicable in these cases.

#### PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve second preference status in behalf of the widow and child of a lawful permanent resident of the United States. The bill as introduced would have granted the beneficiaries permanent residence in the United States. However, the committee feels that the appropriate relief would be to preserve the status to which they would have been entitled were it not for the death of the husband and father.

## STATEMENT OF FACTS

The beneficiaries of the bill are a 39-year-old mother and her 4-year-old daughter who are natives and citizens of the Philippines. They are the widow and child of an alien who was admitted for permanent residence on February 2, 1966, and was killed in an industrial accident on January 20, 1969. The beneficiaries were admitted to the United States as visitors on February 7, 1969, for an emergency period of 1 month to attend the funeral. Another daughter and son were admitted for permanent residence on January 5, 1968. All of them are presently residing in Hawaii. Four other daughters and two sons reside in the Philippines with the grandmother.

A letter, with attached memorandum, dated March 4, 1970, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., March 4, 1970.

A-19034720; A-19034725.

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3032) for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that an appropriate deduction of immigrant visa numbers be made.

The beneficiaries, natives of the Philippines, are chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE S. 3032

The beneficiaries, Leonarda Buenavendura Ocariza, whose name is spelled Leonarda Buenaventura Ocariza, and daughter, Lucila B. Ocariza, were born in the Philippines on February 7, 1931, and October 11, 1965, respectively. They and another son and daughter reside in Hawaii where Mrs. Ocariza is employed as a housekeeper in a convalescent center and earns \$73 a week. Mrs. Ocariza has a seventh-grade education and was never gainfully employed in her native country. She is the widow of a lawful permanent resident of the United States. Her assets consist of about \$21,000 from her

late husband's insurance policy. She receives monthly social security payments of \$120.

Mrs. Ocariza married Avelino O. Ocariza in the Philippines on November 4, 1965, after residing with him in a common-law relationship for several years. Mr. Ocariza was born in the Philippines in 1927 and entered the United States as an immigrant on February 2, 1966. He died on January 20, 1969, as the result of an industrial accident. Their two oldest children, Rosalinda B. Ocariza, age 18, and Avelino B. Ocariza, Jr., age 17, immigrated to this country on January 5, 1968. Four other daughters and two sons reside in the Philippines with their maternal grandmother. Mrs. Ocariza's widowed mother, four brothers, and two sisters also reside in the Philippines.

The beneficiaries arrived in the United States on February 7, 1969, and were admitted at Honolulu, Hawaii, as nonimmigrant visitors for 1 month for the purpose of attending the funeral of Mr. Ocariza. An extension of their stay was authorized to September 7, 1969. Their application of a further extension of stay was denied on September 24, 1969, because they had failed to establish that the purpose for which they were admitted had not been accomplished and that their requested extension was not merely an attempt to prolong their stay indefinitely. They were granted until October 30, 1969, to effect their departure from the United States. They failed to depart and deportation proceedings were instituted against Mrs. Ocariza on the ground that she had remained in the United States for a longer time than permitted. She was accorded a hearing before a special inquiry officer on November 17, 1969, and was granted the privilege of voluntary departure with the alternative of deportation if she fails to depart when required.

Senator Hiram L. Fong, the author of the bill, has submitted the following letter dated March 16, 1970, in connection with the case:

U.S. SENATE,  
*Washington, D.C., March 16, 1970.*

HON. JAMES O. EASTLAND,  
*Chairman, Subcommittee on Immigration and Naturalization,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: In compliance with the request of the subcommittee, I am submitting a background report on S. 3032, which I introduced for the relief of Mrs. Leonarda Buenavendura Ocariza, and daughter, Lucila B. Ocariza, age 3.

Mrs. Ocariza came to Hawaii from the Philippines on February 7, 1969, on an emergency 1-month B-2 visa to attend the funeral of her husband, Avelino Ocariza, who was a permanent resident. Mrs. Ocariza has since granted an extension of her visa.

Her late husband, Avelino Ocariza (Alian Registry No. A-17151236) came to the United States and was lawfully admitted in Hawaii as a permanent resident alien on February 2, 1967. The two

oldest of their nine children, Rosalina Ocariza, age 17 (Alien Registry No. A-18420188), and Avelino Ocariza, age 16 (Alien Registry No. A-18420189) had also been lawfully admitted to the United States on January 5, 1968, and were living with their father until his departure for Kwajalein, where he was killed on January 20, 1969, in an industrial accident while working for an American construction firm, Martin-Zachry Constructors.

Mrs. Ocariza is now living with her children at 1717 Houghtailing Street, Honolulu, Hawaii, and her oldest children are attending Farrington High School in Honolulu. Her father-in-law, Mr. Maximo Ocariza, a U.S. citizen, lives at 317A Olomana Street, Kailua, Hawaii, and he and his wife are currently supporting Mrs. Ocariza and her children, and have given assurance of their continued support.

I feel this case is especially meritorious in that were it not for the untimely death of Mr. Avelino Ocariza, a permanent resident, his wife and children would have been eligible for immigrant visas under the provision affecting qualified immigrants who are the spouses, unmarried sons, or unmarried daughters of an alien lawfully admitted permanent residence.

I respectfully submit this legislation for the appropriate consideration of the subcommittee and urge its approval.

With kind regards and aloha.

HIRAM L. FONG.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3032) as amended should be enacted.

